

EXHIBIT 3

From: DeSantis, Camillo R CIV (US) DeCA HQ GC
[mailto:Camillo.DeSantis@deca.mil]
Sent: Monday, August 01, 2011 10:52 AM
To: Bruce Shirk
Subject: RE: Defense Commissary Agency Freedom of Information Act Request 11-109 (E&E Enterprises)

Thanks for your understanding.

One of the reasons for FOIA being located with me is that I have no direct connection with any of the other divisions here in the Agency (Everybody avoids General Counsel) therefore I never have "a horse in the race" so it is quite easy to remain objective. Also, we agree with the theory of open government and all FOIA requests are viewed from a "presumption of release" perspective. More simply, we view FOIA as a release statute and not a withholding one and therefore attempt to release as much as possible and only apply the exemptions when required.

I will keep you posted of my progress.

Respectfully,

Camillo DeSantis
Freedom of Information Act Officer
Office of General Counsel
Defense Commissary Agency
804-734-8000 Ext 48116

-----Original Message-----

From: Bruce Shirk [mailto:BShirk@sheppardmullin.com]
Sent: Monday, August 01, 2011 10:41 AM
To: DeSantis, Camillo R CIV (US) DeCA HQ GC
Subject: RE: Defense Commissary Agency Freedom of Information Act Request 11-109 (E&E Enterprises)

Mr. DeSantis:

Thank you for your prompt response and your confirmation that you personally are performing the review and making the relevant decisions. Unfortunately, it has not always been my experience that FOIA reviews are performed in an objective manner, particularly when the review is related to a potential dispute.

I have never had any doubt, by the way, that, you personally will perform the review in an objective manner. (Which is not, of course, to say I will agree with your conclusions---but that is another issue which we may or may not confront)

Also, I understand that when the FOIA responsibility is only one of several it can not always be top priority.

Sincerely

Bruce Shirk

Bruce Shirk
202.741.8426 | d
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-----Original Message-----

From: DeSantis, Camillo R CTV (US) DeCA HQ GC
[<mailto:Camillo.DeSantis@deca.mil>]
Sent: Monday, August 01, 2011 8:07 AM
To: Bruce Shirk
Subject: RE: Defense Commissary Agency Freedom of Information Act
Request 11-109 (E&E Enterprises)

Mr. Shirk,

It is the very fact that I am the only on reviewing all the documents that is causing it to take so long. Further, FOIA is only one of my several duties so I am working on it as quickly as possible.

My review, however, is not based upon the classification of the information but rather must be made against the various exemptions of the FOIA and although I agree that most if not all of the information is releaseable I must review each and every document.

You can be assured I will complete the review as quickly as possible.

Respectfully,

Camillo R. DeSantis
Law Office Manager, Freedom of Information and Privacy Act Officer,
Supervisory Paralegal Specialist Office of General Counsel Defense
Commissary Agency 804-734-8000 Ext 4-8116

-----Original Message-----

From: Bruce Shirk [<mailto:BShirk@sheppardmullin.com>]
Sent: Friday, July 29, 2011 2:02 PM
To: DeSantis, Camillo R CTV (US) DeCA HQ GC
Subject: RE: Defense Commissary Agency Freedom of Information Act
Request 11-109 (E&E Enterprises)

Mr. DeSantis--

Thank you for your prompt response.

Based on our understanding of the contract, there should be little if any documentation that is not releasable. The contract is not classified and, other than a remote possibility of communications that could be

subject to the attorney-client privilege, it is highly unlikely that any documents would be subject to one or more of the exemptions. This system was for commissaries, not war-fighting or intelligence.

I of course understand that you must make the calls regarding releasability as you see them. But I would hope those calls are being made by you rather than someone else in the agency.

Thanks

Bruce Shirk

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-----Original Message-----

From: DeSantis, Camillo R CIV (US) DeCA HQ GC

[<mailto:Camillo.DeSantis@deca.mil>]

Sent: Friday, July 29, 2011 12:15 PM

To: Bruce Shirk

Subject: RE: Defense Commissary Agency Freedom of Information Act Request 11-109 (E&E Enterprises)

Good Afternoon Sir,

Review of the documents with regard to their releasability continues.

Respectfully,

Camillo R. Desantis

Freedom of Information Act Officer

Office of General Counsel

Defense Commissary Agency

804-734-8000 Ext. 4-8116

-----Original Message-----

From: Bruce Shirk [<mailto:BShirk@sheppardmullin.com>]

Sent: Friday, July 29, 2011 11:51 AM

To: DeSantis, Camillo R CIV (US) DeCA HQ GC

Subject: Defense Commissary Agency Freedom of Information Act Request 11-109 (E&E Enterprises)

Mr De Santis--

Can you please advise as to status of DeCA's response to the above FOIA request?

Thanks

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-----Original Message-----

From: DeSantis, Camillo R CIV (US) DeCA HQ GC
[<mailto:Camillo.DeSantis@deca.mil>]
Sent: Wednesday, June 15, 2011 6:56 AM
To: Bruce Shirk
Subject: RE: Attorney Representation Letter

No problem, Sir.

-----Original Message-----

From: Bruce Shirk [<mailto:BShirk@sheppardmullin.com>]
Sent: Tuesday, June 14, 2011 3:52 PM
To: DeSantis, Camillo R CIV (US) DeCA HQ GC
Subject: RE: Attorney Representation Letter

Mr. DeSantis--sorry about that. My client confused you with the FOIA person at SBA. Anyway, now you know for sure I'm legit. Bruce Shirk

Bruce Shirk
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-----Original Message-----

From: Ernest Green [<mailto:egreen@eeenterprisesinc.com>]
Sent: Tuesday, June 14, 2011 3:35 PM
To: Camillo.DeSantis@deca.mil
Cc: Bruce Shirk
Subject: FW: Attorney Representation Letter

Ms. DeSantis,

Attached is a copy of the "Attorney Representation Letter." I am also

sending the original by FedEx today. Please let me know if you require anything else.

Sincerely,

Ernest

Ernest Green Jr., President/CEO
E&E Enterprises Global, Inc.
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